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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

NGUYEN BA, PAUL H

ART UNIT PAPER NUMBER

2176

DATE MAILED: 03/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/737,589

Applicant(s)

KELSEY, JULIAN BENJAMIN

Examiner

Paul Nguyen-Ba

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on March 3, 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☒ Claim(s) 1,2,4,9,10,12,17,18 and 20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Notice to Applicant

1. This action is responsive to Information Disclosure Statement filed on March 3, 2003.
2. Claims 1-24 have been considered. Claims 1, 9, and 17 are independent claims.

Priority

3. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Australian Application PQ 4799, filed on December 22, 1999.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 1-6 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 1-6 need to be directed towards a "computer-implemented" method. The claims referred to above are mental processes that only manipulate abstract ideas or concepts. These abstract ideas or concepts can be carried out using pencil and paper.

To expedite a complete examination of the instant application the claims rejected under 35 U.S.C. 101 (nonstatutory) above are further rejected as set forth below in anticipation of applicant amending these claims to place them within the four statutory categories of invention.

Claim Objections

6. Claim 1, 9 and 17 are objected to because of the following informalities: "...an further insertion point..." should be changed to *a further insertion point*.

7. Claims 2, 4, 10, 12, 18, and 20 are objected to because of the following informalities: "retracting" should be changed to *retracing*. Appropriate correction is required.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 1, 2, 4-7, 9, 10, 12-15, 17, 18, 20-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Lynch et al. ("Lynch"), U.S. Patent No. 6,558,431.

Independent Claims 1, 9, and 17

Lynch discloses a method, apparatus, and computer readable medium to *restructure an input HTML document to comply with strict HTML* (refer to Title and Abstract), comprising:

linearly traversing said input HTML document to create a hierarchical tree structure representation, said traversal maintaining a current insertion point for elements within said tree

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structure representation (col. 3, lines 12-16; col. 4, lines 40-50; see also Figure 7 → The file is read and interpreted by a parser, which uses the validator during interpretation. The parser forms the hierarchical internal tree for the HTML document, with formatting and other information attached to text or tag nodes of the tree);

during said traversal, *identifying those elements of said input HTML document that violate strict HTML* (col. 6, lines 4-21 → validator comprises a “strict validation table”);

retracing said tree structure representation from said current insertion point to identify a further insertion point from which said identified element can depend, said retracing comprising noting each parent element of said identified element passed during said retracing; at said further insertion point, creating new elements in said tree structure representation corresponding to those said parent elements passed during said retracing, said new elements being created in reverse chronological order to that encountered during said retracing; appending said identified element to a terminal one of said new elements (see col. 1, lines 53-67 to col. 2, lines 1-46; col. 3, lines 38-40; col. 6, lines 33-36; see also Figs. 2, 3, 4A, 4B, and 5 → User can pre-set preferences to correct invalid HTML that does not conform to “strict” HTML conventions. The prior art teaches that if an element (node) is found to violate “strict” HTML conventions during tree parsing, the parent nodes are noted when retracing up the tree structure in order to find the appropriate location to append the newly created element (i.e. the missing tag) to the parent to correct the invalid HTML. The newly created element is then inserted by tracing down the tree structure to the appropriate parent to which the newly created element depends), and

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converting said tree structure representation into an output HTML document (col. 4, lines 50-57, col. 5, lines 24-36).

Claims 2, 10, 18

Lynch further discloses *creating a link from said appended identified element to a first said parent element encountered during said retracing* (see Figs. 2, 3, 4A, 5).

Claims 4, 12, 20

Lynch further discloses *copying a syntax of a first said parent element encountered during said retracing to said appended element* (col. 2, lines 8-31, col. 3, lines 12-23; col. 4, lines 40-50; see also Fig. 3 → HTML standard only allows preset rules governing the formation of a systematic orderly arrangement, which is reflected in the syntax when children elements are appended to a parent node).

Claims 5, 13, 21

Lynch further discloses one or more of said elements comprises information associated therewith, comprising:

performing an initial pass of said input HTML document to identify said elements having said associated information, and maintaining a record of each such element and the corresponding associated information whereby each time said element is placed in said tree structure representation, the corresponding associated information is associated therewith (col. 3, lines 12-23; col. 4, lines 40-50 → formatting information and other information is attached to each text or tag node).

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Claims 6, 14, 22

Lynch discloses the further step of *reproducing said output HTML document* (col. 5, lines 24-36 → editor uses generator to form the HTML document from the tree).

Claims 7, 15, 23

Lynch further discloses *output HTML document being reproduced using a video display* (col. 5, lines 11-23; see also Fig. 11 → “what-you-see-is-what-you-get” view).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 3, 11, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lynch et al. (“Lynch”), U.S. Patent No. 6,558,431, in view of Miles et al. (“Miles”), U.S. Patent No. 6,035,326.

Claims 3, 11, 19

Lynch discloses *creating a link from said appended identified element to a first said parent element encountered during said retracing* (see Figs. 2, 3, 4A, 5), but does not specifically disclose wherein said link comprises a vector.

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Miles discloses that each component of the vector represents a link to list of subdomain tree roots (col. 3, lines 29-37) for the purpose of providing quick and efficient hierarchical table lookups (col. 1, lines 9-13, 59-61).

Since Miles and Lynch are both from the same field of endeavor, the purposes disclosed by Miles would have been recognized in the pertinent art of Lynch. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the teaching of Lynch with the teachings of Miles to include a vector for said links for the purpose of providing quick and efficient hierarchical tree lookups.

12. Claims 8, 16, 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lynch et al. ("Lynch"), U.S. Patent No. 6,558,431.

Claims 8, 16, 24

Lynch does not specifically disclose *output HTML document being reproduced using a printer*. However, it was commonly known to those of ordinary skill in the art that reproducing output via a printer is commonly accepted means of converting the displayed text, graphics, etc. into a hard-copy paper version.

Therefore, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to incorporate a printer to the teaching of Lynch for the purpose of converting the displayed HTML output into a hard-copy paper version.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Cormen et al., Introduction to Algorithms, The Massachusetts Institute of Technology, Nineteenth Printing, 1997 (250-252 *et seq.*).

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Nguyen-Ba whose telephone number is (703) 305-8776. The examiner can normally be reached on 9 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on (703) 305-9792. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PNB


JOSEPH FEILD
SUPERVISORY PATENT EXAMINER